

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Samuel Vance Hall, II,

Plaintiff,

v.

Joseph Williford; Brianna Hegeman; M.
Ringgaberg; "Jane" Neal, Director of the
Chester County Detention Center,

Defendants.

C/A: 9:23-cv-883-SAL

ORDER

Plaintiff Samuel Vance Hall, II, proceeding pro se, has filed a civil action based on alleged constitutional violations that occurred while he was a pretrial detainee. Plaintiff has filed a motion for class certification. [ECF No. 9.] This matter is before the court on a Report and Recommendation (the "Report") issued by United States Magistrate Judge Molly H. Cherry, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending the court deny Plaintiff's motion. [ECF No. 13.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 8. Plaintiff did not file objections to the Report, and the time for doing so has expired. Instead, Plaintiff filed an amended complaint where he listed himself as the sole Plaintiff. *See* ECF No. 15.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1).

In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 13, and incorporates the Report by reference herein. The court fully agrees with the magistrate judge’s reasoning and conclusions, and it appears Plaintiff may have abandoned the class certification motion based on his amended complaint. As a result, Plaintiff’s motion for class certification, ECF No. 9, is **DENIED**. This matter remains with the magistrate judge for pretrial matters.

IT IS SO ORDERED.

November 16, 2023
Columbia, South Carolina


Sherri A. Lydon
United States District Judge